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Opening Statement of Rep. Henry A. Waxman Chairman, Committee on Energy and Commerce

"The Salmonella Outbreak: The Continued Failure to Protect the Food Supply" **February 11, 2009**

Thank you, Chairman Stupak. I want to commend you on your leadership of this Subcommittee and thank you for calling today's hearing. I also want to commend Ranking Member Walden for his bipartisan work on this investigation.

For too long, the American people have not been able to trust that the food they eat is safe. From botulism in canned food to cattle that are too sick to even stand, our nation's food supply is at risk.

As we will hear during our first panel, those who most often pay the price are the young, elderly, and infirm. We know the tainted products distributed by the Peanut Corporation of America were sent to elementary schools, nursing homes, hospitals, and even FEMA meal kits handed out in the wake of the Kentucky ice storms.

Today the public will hear the first results of our investigation. The documents obtained by the Subcommittee are disturbing. They seem to show a company that was more concerned with its bottom line than the safety of its customers.

Last September, for example, PCA was notified by a private lab that its products had tested positive for salmonella. This wasn't the first positive test the company received, and it wouldn't be the last.

In response, the president of the company, Stewart Parnell, sent an email complaining that positive salmonella tests were "costing us huge \$\$\$\$ and causing obviously a huge lapse in time from the time we pick up peanuts until the time we can invoice."

Even after FDA began investigating in January and forced the company to recall some products, PCA's first concern was financial.

On January 19, PCA's president, Mr. Parnell, sent an e-mail pleading with FDA officials to allow the company to keep doing business. He wrote that they "desperately at least need to turn the Raw Peanuts on our floor into money."

He assured FDA that these peanuts "would be cooked [and] further processed by us in our Texas facility." This is the same facility that was shut down yesterday after salmonella was found there too.

The Subcommittee has also obtained documents that appear to show that Mr. Parnell was not forthcoming about his company's past.

Despite multiple records showing positive salmonella tests over three years, Mr. Parnell wrote an e-mail to his company's employees on January 12, asserting flatly that "we have never found any salmonella at all."

He blamed "news agencies" that "are looking for a news story where there currently isn't one," and he declared that "we were not the cause of this food-sickness outbreak."

The Subcommittee also obtained a statement from an official at one of the private labs used by PCA to test for *salmonella*. The lab official reported that PCA's plant manager in Georgia, Sam Lightsey, admitted to shipping products before receiving lab results. The official stated:

"When I called Mr. Lightsey in early October 2008 to give him the serology reports that JLA had obtained from Diebel lab for the confirmed salmonella, he paused, said "Uh Oh," or something to that effect, and then told me he had released the product for shipping. When I asked if he could get it back, he said it was on a truck heading to Utah."

This lab official also informed us that PCA stopped using its services because it received too many positive tests. The official stated:

"I called Mr. Lightsey to follow up on the recent discussion regarding the confirmed positive, and he confirmed that because of the high coliform results they were going to send samples to a different lab."

Mr. Chairman, I ask that all of these documents be made part of the official hearing record.

During today's hearing, I hope we will be able to find out more about the actions of these PCA officials. I also look forward to hearing from the labs that conducted these tests, as well as the state and federal officials in charge of overseeing this company.

I also extend my deepest condolences to the victims and family members of victims who are here today.